

Section 1415 - Abandoned Motor Vehicles

1415.01 Adoption of State Law. There is hereby adopted and incorporated by reference, as a provision of this Section, the provisions of M.S. Chapter 168B, except as such provisions may be made more restrictive by this Section.

1415.02 Custody of Abandoned Motor Vehicles.

Subd. 1 **Taking into Custody.** Any City police officer may take into custody and impound any abandoned motor vehicle.

Subd. 2 **Selecting a Pound Keeper.** The Manager may designate a pound keeper for abandoned motor vehicles pursuant to Subsection 1410.02 of this Code. Such pound keeper must be capable of fulfilling the requirements listed in Subsection 1410.02 of this Code. Each bidder shall provide a schedule of charges for the towing, storage and impounding of abandoned motor vehicles impounded under the provisions of this Section. A copy of the schedule shall be on exhibit in the Police Department. The Manager reserves the right to reject all bids.

Subd. 3 **Storage.** Abandoned motor vehicles impounded under the provisions of this Section shall be stored according to the provisions of Section 1410.05 of this Code.

1415.03 Notice of Sale.

Subd. 1 **Notice Procedures.** When an abandoned motor vehicle does not fall within the provisions of M.S. 168B.05, the Police Department shall give notice of the taking within ten days. The notice shall (i) comply with the provisions of Subsection 1415.05, (ii) inform the owner and any lienholders of their right to reclaim the vehicle under M.S. 168B.07, and (iii) state that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within 15 days from the date of notice shall be deemed a waiver of all right, title, and interest in the vehicle and contents and a consent to the sale of the vehicle and contents at a public auction pursuant to M.S.168B.08, and that the vehicle will be sold after the expiration of the 15 day period.

Subd. 2 **Published Notice.** The notice shall be given as sent pursuant to M.S. 168B.06.

1415.04 Right to Reclaim. The owner or any lienholder of an abandoned motor vehicle shall have a right to reclaim such vehicle pursuant to M.S. 168B.07. Nothing in this Section shall be construed to impair any lien of a garagekeeper as provided in M.S. 168B.07.

1415.05 Public Sale.

Subd. 1 **Method of Sale.** If an abandoned motor vehicle and contents is sold at public auction or sale, it shall be sold to the highest bidder following two weeks prior

notice of such auction or sale published in the official newspaper of the City. The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles.

Subd. 2 **Disposal of Unsold Vehicles.** Abandoned motor vehicles not sold pursuant to Subd. 1 of this Subsection shall be disposed of in accordance with M.S. 168B.09.

Subd. 3 **Sale Proceeds.** Sale proceeds shall be held and disbursed pursuant to M.S. 168B.08

1415.06 Disposal by Other than Sale.

Subd. 1 **Contracting.** The City may contract with persons, duly licensed by the Minnesota Pollution Control Agency pursuant to M.S. 168B.10 or, if no bids are received, may utilize its own equipment and personnel, for collection, storage, transportation and other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling.

Subd. 2 **Collecting Bids.** The Manager may advertise for bids from persons duly licensed by the Minnesota Pollution Control Agency pursuant to M.S. 168B.10 to enter into the contract referred to in Subd. 1 of this Subsection. The person awarded the bid for collection, storage and transportation for recycling of abandoned motor vehicles must be capable of providing for total collection and transportation of abandoned motor vehicles and of conforming to all requirements of the plan of the Minnesota Pollution Control Agency for solid waste disposal which are applicable to abandoned motor vehicles. Each bidder shall provide a schedule of charges for the collection, storage, transportation and other services required by the City, for abandoned motor vehicles impounded under this Section. The Manager reserves the right to reject all bids.

Subd. 3 **Agency Approval.** Before the City shall award or enter into any contract pursuant to this Subsection 1415.06, it shall be approved by the Minnesota Pollution Control Agency.

History: Ord 1404 adopted 8-23-73

Reference: M.S. Chapter 168B

Cross Reference: Subsections 1410.02, 1410.05